

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1467 – SB 1637

March 29, 2018

SUMMARY OF ORIGINAL BILL: Creates a new Class C felony for reckless endangerment if a person discharges a firearm into certain lawfully assembled groups of 25 or more people.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$460,300 Incarceration*

SUMMARY OF AMENDMENT (016362): Deletes and rewrites the proposed legislation such that the only substantive change is to exempt members of law enforcement and members of any branch of the military acting in the course of their official duties and the firing of non-live ammunition as a part of a funeral.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-13-103 prohibits any person from recklessly engaging in conduct that places or may place another in imminent danger of death or serious bodily injury. Reckless endangerment is a Class A misdemeanor unless committed with a deadly weapon, in which case it is a Class E felony.
- Discharging a firearm into a parade, religious service, concert, athletic event, political event, education event, or into any other groups of 25 or more people that are lawfully assembled will constitute a Class C felony under the proposed legislation.
- Statistics from the Department of Correction (DOC) show an average of 131.5 admissions per year for reckless endangerment Class E felony offenses in each of the past 10 years.
- It is assumed that 10 percent ($131.5 \times 0.1 = 13.15$), or 13 admissions, of the current Class E felony offenses will be enhanced to a Class C felony by the legislation.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth

of 11.78 percent over the next 10 years. Population growth will account for 2 (13 x .1178) additional Class C felony admissions for a total of 15 (13 + 2).

- The average time served for a class C felony is 3.28 years. The average time served for a Class E felony is 1.31 years.
- Offenders currently serving time for a Class E felony would serve an additional 1.97 years (3.28 – 1.31) for a Class C felony under the proposed legislation.
- According to the DOC, 41.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 41.7 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this proposed legislation. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (15 offenders x .417 = 6 offenders).
- According to the DOC, the average operating cost per offender per day for FY17-18 is \$71.08.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine offenders (15 offenders – 6 recidivism discount) serving 1.97 years (719.54 days) at a cost of \$51,145 (\$71.08 x 719.54 days) per offender. The total cost for nine offenders is \$460,305 (\$51,145 x 9).
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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